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REMARKS

The present patent application has been reviewed in light of the office action, dated September 26, 2006, in which claim 18 is rejected under 35 USC 112, first paragraph, as failing to comply with the enablement requirement. Claims 18-19, and 21-24 are rejected under 35 U.S.C. § 102(b) as being anticipated by Beckert et al., U.S. Patent No. 6,202,008 (hereinafter "Beckert"). Claims 27-30 and 32-36 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Beckert. Claims 20 and 26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Beckert in view of Kagle et al., U.S. Patent No. 6,601,056 (hereinafter "Kagle"). Claim 25 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Beckert in view of Jones et al., U.S. Patent No. 6,438,638 (hereinafter "Jones"). Claims 31 and 36 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Beckert in further view of Jones. Reconsideration of the above-referenced patent application in view of the foregoing amendments and following remarks is respectfully requested.

Claims 18-39 are pending. Claims 18-36 have been amended. Assignee has amended claims to more clearly delineate intended subject matter. Amendments to claims are made without prejudice or disclaimer. New claims 37-39 have been added. No new matter has been added.

Rejections under 35 U.S.C. 112, first paragraph

Claim 18 is rejected under 35 USC 112, first paragraph, as failing to comply with the enablement requirement. Claim 18 has been amended to address the Examiner's concerns, and Assignee respectfully requests that the rejection to this claim be withdrawn.

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Rejections under 35 U.S.C. § 102(b)

Claims 18-19, and 21-24 are rejected under 35 U.S.C. § 102(b) as being anticipated by Beckert. However, Beckert does not disclose "an optical media device" including "a memory comprising a built-in program capable of processing video and audio operations" as recited in amended claim 18. To the contrary, Beckert clearly discloses

> "an open platform operating system" where "various software applications...can be produced by independent vendors and subsequently installed by the vehicle user after purchase of the vehicle. This is advantageous in that the software applications do not need to be specifically configured for uniquely designed embedded systems." (Beckert, column 3, lines 46-55)

This stands in stark contrast to the "built-in program" language recited in claim 18. Claims 27 and 32 include similar limitations. Therefore, independent claims 18, 27, and 32, and the claims that depend from them, are believed to patentably distinguish from the cited patent. It is, therefore, respectfully requested that the Examiner withdraw the rejection as to these claims.

It is noted that claimed subject matter may be patentably distinguished from the cited patent for additional reasons; however, the foregoing is believed to be sufficient.

Rejections under 35 U.S.C. § 103(a)

Claims 27-30 and 32-36 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Beckert. Claims 20 and 26 are rejected under 35 U.S.C. § 103(a)

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as being unpatentable over Beckert in view of Kagle. Claim 25 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Beckert in view of Jones. Claims 31 and 36 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Beckert in further view of Jones.

"To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on Assignee's disclosure." MPEP § 2143. Assignee respectfully submits that the Examiner has not established a *prima facie* case of obviousness.

The cited patents do not teach or suggest all the limitations of the aforementioned claims. As discussed above, Beckert does not disclose "a memory comprising a built-in program capable of processing video and audio operations" as recited in claim 18. Kagle and Jones also do not disclose this element of claim 18. Therefore, any combination of Kagle, Beckert, and Jones would not yield all of the limitations of claim 18, and therefore claim 18 patently distinguishes over the cited documents. Claims 27 and 32 include similar limitations. Therefore, independent claims 18, 27, and 32, and the claims that depend from them, are believed to patentably distinguish from the cited patent. It is, therefore, respectfully requested that the Examiner withdraw the rejection as to these claims.

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It is noted that claimed subject matter may be patentably distinguished from the cited patents for additional reasons; however, the foregoing is believed to be sufficient. Likewise, it is noted that the Assignee's failure to comment directly upon any of the positions asserted by the Examiner in the office action does not indicate agreement or acquiescence with those asserted positions.

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CONCLUSION

In view of the foregoing, it is respectfully asserted that all of the claims pending in the present patent application are in condition for allowance. If the Examiner has any questions, he is invited to contact the undersigned at (503) 439-6500. Reconsideration of the present patent application and early allowance of all the claims is respectfully requested. Please charge any underpayments or credit any overpayments to deposit account no. 50-3703.

Respectfully submitted,

Dated: 3/26/07

/Calvin E. Wells Reg. No. 43,256/
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I hereby certify that this correspondence is being deposited via facsimile to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

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